



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,931	02/26/2004	Katrina Videnovich		4898

7590 10/24/2006  
BURTON WERBEL  
13934 BORA BORA WAY E-226  
MARINA DEL REY, CA 90292

EXAMINER

NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

sf

<b>Office Action Summary</b>	Application No. 10/786,931	Applicant(s) VIDENOVICH ET AL.	
	Examiner HUNG T. NGUYEN	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Specification***

2. The abstract of the disclosure is objected to because terms as "(1) sequence listing. Not applicable" under the abstract must be deleted. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, line 1, insert --said-- before "part is used";

Claim 7, line 1, "one part" will be changed to --a part--;

Claim 7, line 3, insert --said-- before "part is used";

Claims 7-8 recite the limitations "the other part" in line 4. There are insufficient antecedent basis for these limitations in the claims.

Claims 7-8, line 4, "the other part" will be changed to --another part--;

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuentes (U.S. 6,834,395).

Regarding claims 6-7, Fuentes discloses a sporting jacket / garment (10) is attached by display device (FBI) / flexible illuminated display pad (23) / patterns / indicators (20) / corporate logo/ messages are receiver (30,40) which can be seen by people as advertisements or commercial.

Art Unit: 2612

The display device is a receiver (30,40) which is receiving signal from a remote transmitter (30,40) by wireless signal (32,50), wireless network (630) [ figs. 1-2,5-6, col.3, line 45 to col.4, line 16, col.5, lines 46-59, col.6, lines 1-6, col.8, lines 8-18, col.10, line 59 to col.11, line 11 ];

- the sporting jacket / garment (10) is attached by display device / flexible illuminated display pad (23) / patterns / indicators (20) / corporate logos which can be removed as desired [ figs. 1-25-6, col.3, line 45 to col.4, line 5, col.10, line 59 to col.11, line 15 and col.12, lines 13-23 ].

Regarding claim 8, Fuentes discloses a sporting jacket / garment (10) is attached by display device (FBI) / flexible illuminated display pad (23) / patterns / indicators (20) / corporate logos / messages is receiver (30,40) which can be seen by people as advertisements or commercial. The display device is a receiver (30,40) which is receiving signal from a remote transmitter (30,40) by wireless signal (32,50), wireless network (630) [ figs.1-2,5-6, col.3, line 45 to col.4, line 16, col.5, lines 46-59, col.6, lines 1-6, col.8, lines 8-18, col.10, line 59 to col.11, line 11 ];

- the sporting jacket / garment (10) is attached by display device / flexible illuminated display pad (23) / patterns / indicators (20) / corporate logos which can be removed / Velcro or bonding material as desired / the patch (23) is secured by magnet type material [ figs. 1-2, 5-6, col.3, line 45 to col.4, line 5, col.10, line 59 to col.11, line 15 and col.12, lines 13-23 ].

Regarding claims 9-10, Fuentes discloses printed circuits / flexible circuit (210) having microprocessors, timer, power supply battery (30), a memory device for storing data information and operating advertisement as the display pad (23) / patterns / indicators (20) by LEDs (100) / corporate logos [ figs. 1-2, 5-6, col.2, lines 44-64, col.3, lines 45-61, col.4, lines 29-62, col.5, lines 46-61, and col.8, lines 51-60 and col.12, lines 43-63 ]; and

- the circuit coupled to the light signals, pattern or signaling hardware imbedded, attached or applied on the garment [ figs.2-3, col.2, lines 50-53, col.3, lines 57-66, col.5, lines 50-59, col.6, lines 32-53 and col.8, lines 47-60 ].

### **Arguments & Responses**

7. Applicant's arguments filed on April 28, 2006 have been fully considered but they are not persuasive reasons in the following.

A/ Applicant states that his invention includes light / sound producing embellishments are self-contained.

### **Response the argument:**

A/ Fuentes discloses printed circuits / flexible circuit (210) having microprocessors, timer, power supply battery (30), a memory device for storing data

information and operating advertisement as the display pad (23) / patterns / indicators (20) by LEDs (100) / corporate logos [ figs. 1-2, 5-6, col.2, lines 44-64, col.3, lines 45-61, col.4, lines 29-62, col.5, lines 46-61, and col.8, lines 51-60 and col.12, lines 43-63 ]; and

- the circuit coupled to the light signals, pattern or signaling hardware **imbedded, attached or applied on the garment** [ figs.2-3, col.2, lines 50-53, col.3, lines 57-66, col.5, lines 50-59, col.6, lines 32-53 and col.8, lines 47-60 ] which to overcome the light / sound producing embellishments are self-contained.

### **Conclusion**

8. This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted



upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

**THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-

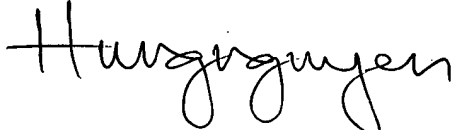
Art Unit: 2612

2982. The examiner can normally be reached on Monday to Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Horabik, Michael can be reached on (571) 272-3068. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**HUNG NGUYEN**  
**PRIMARY EXAMINER**



Examiner: Hung T. Nguyen

Date: Oct. 18, 2006